



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Patent
)
MICHELLE R. LUTCHE, et al.) Examiner: Tilahun B. Gessesse
)
Serial No.: 10/029,617) Art Unit: 2684
)
Filed: November 1, 2001)
)
For: APPARATUS FOR PRODUCING A)
VISUAL SIGNAL UPON RINGING)
OF A PORTABLE)
COMMUNICATIONS DEVICE)
_____ /

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OCT 14 2004
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DECLARATION UNDER 37 CFR § 1.131

Mail Stop Amendments
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We, Michelle R. Lutche and Michael L. O'Neal, the applicants in the above-identified patent application, declare as follows:

1. We are the coinventors of claims 1 through 36 of the above-identified patent application.

2. Sometime prior to June 22, 2001, Michelle R. Lutche, conceived an apparatus which would result in the illumination of the LED's entirely coincident with the frequency, amplitude, and duration of the ringing signal of a cellular telephone.

3. Prior to June 22, 2001, we completed the invention, as described and claimed in the subject application, in this country, a NAFTA country, or a WTO country, as evidenced by the following:

a. Prior to June 22, 2001, having early conceived the idea of electrically connecting light emitting devices ("LED's") to a ringing transducer power circuit of a portable communications device, thereby resulting in the illumination of the LED's which is entirely coincident with the frequency, amplitude, and duration of the ringing signal, we ordered and purchased several LED's for the prototypes of the invention.

b. Prior to June 22, 2001, Michelle R. Lutche, one of the undersigned inventors, obtained schematic drawings of certain models of cellular telephones for purposes of locating various resistors within said telephones, then salvaging such resistors from inoperative telephones and incorporating the salvaged resistors into prototypes of the invention. Exhibit A, hereto, is a copy of one (1) such schematic which was obtained and printed out. The date of the print-out has been blacked-out, however, such date is prior to June 22, 2001.

c. Prior to June 22, 2001, using the afore-mentioned purchased LED's, a variety of substrate material and other components, we constructed several prototypes of the invention. Exhibit B, hereto, is a photograph of several of the prototypes, all of which we actually constructed prior to June 22, 2001.

d. We performed tests on the prototypes we constructed by retrofitting certain models of a Nokia® cellular telephone with the invention, and placing telephone calls to the retrofitted cellular telephones. The tests were conducted prior

to June 22, 2001, and the results of these tests were that the LED's were illuminated in a manner which was entirely coincident with the frequency, amplitude, and duration of the ringing signals of the retrofitted cellular telephones.

e. One of the undersigned inventors, Michelle R. Lutche, made notations on her calendar respecting the invention process, including the reduction to practice of the invention and testing of the prototypes. The dates of such notations are all prior to June 22, 2001.

4. A copy of Ms. Lutche's calendar is not attached as such would result in the disclosure of information which is not required to be, and is not in the best interest of the applicants to have, included in the file wrapper of the application.

Each of the undersigned declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement and the like may jeopardize the validity of the application or any patent resulting therefrom.

Date: 8/19/04


Michelle R. Lutche

Date: 8/24/04


Michael L. O'Neal